

REMARKS

Allowable Subject Matter

Applicants would like to acknowledge and thank Examiner Marcelo for his indication that claims 29-39, 57-69, 76-79, and 81-82 are allowed over the art of record. The Applicants would also like to acknowledge and thank the Examiner for his indication that claims 5, 6, 8-10, 19, 20, 22, 24, 25, 27, 41-43, 45, 54, and 56 contain allowable subject matter.

Rejections Under 35 U.S.C. § 102(b)

Claims 1-4, 7, 11-18, 21, 23, 26, 28, 40, 44, 46-53, 55, 70-75 and 80 were rejected under 35 U.S.C. § 102(b) as being anticipated by Walker (British Patent no. 1,327,954). The Walker reference was cited in the previous Office Action; however, the Examiner has cited new elements in the reference that are asserted to correspond to the elements of the claims. The elements of Walker cited by the Examiner in the present Office Action do not anticipate the Applicants claimed invention. Therefore, the rejection of the claims is again respectfully traversed, as Walker does not disclose each and every element of the claims.

Independent Claims 1, 7, 23, and 40, each recite a wiper blade. As stated in the previous response [Paper No. 12, page 2], Applicants disclose a wiper blade that may be made out of any flexible material, such as thermoplastic elastomers, foam, sponge, plastic or rubber having a shore A durometer hardness value ranging about 0 to 80, from about 15 to about 70 and preferably from about 30 to about 60. (Page 29, lines 12-15). The wiper blade can help to hold the tail of the wipe in place and thus keep the tail from falling back through the gap and into the cartridge. (Page 29, lines 24-26).

In contrast, Walker does not disclose a wiper blade as described and claimed by Applicants. In the First Office Action [Paper No. 11] the Examiner equated the cutting edge 5 of Walker with the wiper blade as claimed. The Examiner has now withdrawn this rejection and instead asserts that drawing element 62 of Walker anticipates the

wiper blade as claimed. Applicants respectfully point out that this assertion is not consistent with the explicit disclosure of the reference. In fact, Walker discloses "A curved supporting plate 60 which is pivotably mounted at 61 on the upper part of the cylindrical container is provided on its free end with a rail 62 which together with the end 63 of the supporting plate 60 presses the sheet of tissue or the like tightly upon the cutting bar." [Page 4, line 129 through Page 5, line 6.] From the disclosure of Walker, it is clear that this rail aids in cutting the web, not dispensing it. The rail of Walker, which is intended to stop any movement of the sheet while the sheet is being cut, is not a wiper blade as described and claimed by Applicants.

Walker does not disclose each and every element of independent claims 1, 7, 23 and 40. The Examiner has failed to correlate any element in Walker that would anticipate the wiper blade of the claimed invention. Accordingly, Claims 1-4, 7, 11-18, 21, 23, 26, 28, 40, 44, 46-53 and 55 are not anticipated by Walker, as a *prima facie* case of anticipation has not been made.

In addition to a wiper blade independent claims 1, 7, and 40 each recite a chassis. As pointed out in the previous response [Paper No. 12], Applicants disclose, for example, a chassis comprising mounting elements used to mount the wiper assembly to the cover of the dispenser. In one embodiment of the invention, the chassis comprises a handle and a plurality of openings for receiving the wiper blade. (Page 31, lines 3-4 and 15-18). As part of the wiper blade assembly, the chassis may be mounted to the dispenser such that the assembly can be removed for replacement, cleaning, and/or for adjustment of the dispensing characteristics of the dispenser. (Page 31, lines 21-24).

In contrast, Walker does not disclose the chassis of the present claims. In the First Office Action [Paper No. 11], the Examiner equated the container 12 of Walker with the chassis claimed in the present application. The Examiner has withdrawn this rejection and instead has asserted that the "members above and below member 62 in figure 9" are equivalent to the Applicants' claimed chassis. Applicants respectfully point out that this assertion is not consistent with the explicit disclosure of the reference. The "members above and below member 62 in figure 9" are not equivalent to the chassis

claimed by the Applicants. From the drawings of Walker, it is unclear whether the "members above and below member 62" are integral with 62, whether they are removable from the container, whether they are adhered to the container, or whether they are a part of the container 12 itself.

MPEP § 2125, citing *Jockmus v. Leviton*, 28 F.2d 812 (2d Cir.1928) notes that, while drawings may be used as prior art, the picture must show all the claimed structural features and how they are put together. Figure 9 of Walker does not disclose a chassis that could be reasonably construed by one of ordinary skill in the art to be part of a wiper assembly. In fact, rail 62 is not actually connected to the member below, as it is described as part of a cover that swings down to secure the web. This is further evidence that the members above and below rail 62 and the rail 62 are not equivalent to the chassis and wiper blade claimed by the instant application.

Walker does not disclose each and every element of independent claims 1, 7 and 40. The Examiner has failed to correlate any element in Walker that would anticipate the chassis of the claimed invention. Accordingly, Claims 1-4, 7, 11-18, 21, 23, 26, 28, 40, 44, 46-53 and 55 are not anticipated by Walker, as a *prima facie* case of anticipation has not been made.

Claim 70 was rejected under 35 U.S.C. § 102(b) as being anticipated by Walker (British Patent no. 1,327,954). The Examiner has failed to explain how the guide bar 64 would prevent the wipes from wedging in the gap. The Examiner has asserted that the guide bar 64 is equivalent to the claimed means for preventing the wipes from wedging in the gap. The guide bar of Walker is actually a railing on which the cutting edge glides across in order to cut the wipes once they have been dispensed. The guide bar in no way functions to prevent the wipes from being wedged in a "gap." This is because the guide bar is on the outside of the dispenser and does not appear to come into contact with the wipes until after they are dispensed and presumably after they have passed through any opening in the dispenser within which they could be wedged. Accordingly, Claim 70 is not anticipated by Walker, as a *prima facie* case of anticipation has not been made.

In addition to the discussion above with respect to independent claims 1, 7, 23, 40 and 70, Applicants point out that dependent claims 2-3, 12-18, 28, 47-53, 72-75 and 80 all recite elements that have not yet been addressed in the Office Actions to date. A *prima facie* case of anticipation has not been placed on the record for these claims, and Applicants respectfully request that the Examiner acknowledge that these claims contain allowable subject matter.

CONCLUSION

In conclusion, all of the grounds raised in the present Office Action for rejecting the application are believed to be overcome or rendered moot based on the remarks above. Thus, it is respectfully submitted that all of the presently presented claims are in form for allowance, and such action is requested in due course. Should the Examiner feel a discussion would expedite the prosecution of this application, the Examiner is kindly invited to contact the undersigned.

Respectfully submitted,


Amanda M. Church
Amanda M. Church
Registration No. 52,469
Attorney for Applicant(s)

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200